

KYLIE W. WAGER CRUZ #10165
DAVID L. HENKIN #6876
EARTHJUSTICE
850 Richards Street, Suite 400
Honolulu, Hawai'i 96813
Telephone No.: (808) 599-2436
Fax No.: (808) 521-6841
Email: kwager@earthjustice.org
dhenkin@earthjustice.org

Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI'I

NA KIA'I KAI, an unincorporated)	Civil No. 18-00005-DKW-WRP
association; SURFRIDER)	
FOUNDATION, a non-profit)	JOINT STIPULATION AND ORDER
corporation; and PESTICIDE ACTION)	RE: AWARD OF PLAINTIFFS'
NETWORK NORTH AMERICA, a)	ATTORNEYS' FEES AND COSTS
non-profit corporation,)	OF LITIGATION
)	
Plaintiffs,)	
)	
v.)	
)	Judge: Hon. Derrick K. Watson
JAMES NAKATANI in his official)	
capacity as Executive Director of the)	
STATE OF HAWAI'I)	
AGRIBUSINESS DEVELOPMENT)	
CORPORATION,)	
)	
Defendant.)	
)	

* Pursuant to Local Rule 10.2(b), please refer to the signature page for the complete list of parties represented.

JOINT STIPULATION AND ORDER RE: AWARD OF
PLAINTIFFS' ATTORNEYS' FEES AND COSTS OF LITIGATION

WHEREAS, on February 18, 2020, Plaintiffs Na Kai'i Kai, Surfrider Foundation, and Pesticide Action Network North America (collectively, "Plaintiffs") and Defendant James Nakatani, in his official capacity as Executive Director of the State of Hawai'i Agribusiness Development Corporation, entered into a settlement agreement (ECF No. 99-1) that recognizes Plaintiffs' entitlement to a reasonable award of their attorneys' fees and costs of litigation (including expert witness fees) for work related to the Clean Water Act claims against Defendant in the above-captioned matter;

WHEREAS, on April 9, 2020, this Court entered the Joint Stipulation and Order Re: Dismissal (ECF No. 99), which left for resolution through future negotiation or motion practice Plaintiffs' claim for an award of attorneys' fees and costs of litigation; and

WHEREAS, in the interest of the public, the parties, and judicial economy, the parties have entered into a Settlement Agreement to resolve Plaintiffs' remaining claim relating to attorneys' fees and costs of litigation without further litigation;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN
PLAINTIFFS AND DEFENDANT that:

1. The Settlement Agreement Re: Award of Plaintiffs' Attorneys' Fees and Costs of Litigation (dated June 19, 2020) ("Fees Settlement"), which is lodged herewith, resolves Plaintiffs' claim for an award of attorneys' fees and costs, which shall hereby be dismissed with prejudice;

2. This Court shall retain jurisdiction to enforce the terms of the Fees Settlement. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994).

Executed this 19th day of June, 2020.

/s/ David L. Henkin

KYLIE W. WAGER CRUZ

DAVID L. HENKIN

EARTHJUSTICE

Attorneys for Plaintiffs

Na Kia'i Kai, Surfrider Foundation, and
Pesticide Action Network North America

/s/ Andrew D. Goff

CLARE E. CONNORS

Attorney General of Hawai'i

ANDREW D. GOFF

BRYAN C. YEE

Deputy Attorneys General

Department of the Attorney General, State
of Hawai'i

425 Queen Street

Honolulu, Hawai'i 96813

Telephone: (808) 586-1180

Email: andrew.d.goff@hawaii.gov

Attorneys for Defendant

James Nakatani, in his official capacity as
Executive Director of the State of Hawai'i
Agribusiness Development Corporation

APPROVED AND SO ORDERED.

DATED: June 22, 2020 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson

United States District Judge

Na Kia'i Kai, et al., v. Nakatani, Civil No. 18-00005-DKW-WRP (D. Haw.);
JOINT STIPULATION AND ORDER RE: AWARD OF PLAINTIFFS'
ATTORNEYS' FEES AND COSTS OF LITIGATION